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6-28-2007

# State v. Purdum Order Dckt. 35369

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# In the Supreme Court of the State of Idaho

LAW CLERK

STATE OF IDAHO,

Plaintiff-Respondent,

v.

DAVID D. PURDUM,

Defendant-Appellant.

ORDER AUGMENTING THE  
RECORD

NO. 33073

**35369**

A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF with attachment was filed by Appellant June 15, 2007. Thereafter, a REVISED MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF with attachment was filed by Appellant June 19, 2007. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT THE RECORD and REVISED MOTION TO AUGMENT THE RECORD be, and hereby are, GRANTED and the appeal record shall include the document listed below, a file stamped copy of which accompanied the Motion:

1. Minute Entry and Order in district court case no. CRFE-02-313, file stamped October 8, 2003.

DATED this 28 day of June 2007.

For the Supreme Court

  
Stephen W. Kenyon, Clerk

cc: Counsel of Record

**AUGMENTATION RECORD**

# In the Supreme Court of the State of Idaho

STATE OF IDAHO,

Plaintiff-Respondent,

v.

DAVID D. PURDUM,

Defendant-Appellant.

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ORDER AUGMENTING THE  
RECORD

NO. 33073

A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF with attachment was filed by Appellant June 15, 2007. Thereafter, a REVISED MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF with attachment was filed by Appellant June 19, 2007. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT THE RECORD and REVISED MOTION TO AUGMENT THE RECORD be, and hereby are, GRANTED and the appeal record shall include the document listed below, a file stamped copy of which accompanied the Motion:

1. Minute Entry and Order in district court case no. CRFE-02-313, file stamped October 8, 2003.

DATED this 28 day of June 2007.

For the Supreme Court

  
Stephen W. Kenyon, Clerk

cc: Counsel of Record

ECF

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA FILED

\* \* \* \* \*

AT 11:18 O'CLOCK A.M.

DATE 10-08-2003

SHIRLEE BLAISDELL

CLERK OF DISTRICT COURT

Register #CRFE-02-313  
STATE OF IDAHO,

Plaintiff,

-vs-

MINUTE ENTRY &amp; ORDER

DEPUTY

DAVID D. PURDUM.

DOB: [REDACTED]

IDOC #69065

The above named defendant appeared in Court on the 26<sup>th</sup> day of September, 2003, with his counsel, George Southworth, for review hearing on the retained jurisdiction program. Stevin Brooks, Prosecuting Attorney, appeared on behalf of the State of Idaho.

The above named defendant having completed the retained jurisdiction program, and the review committee recommending that the Defendant be placed on probation. Pursuant to stipulation between the State and counsel, the Defendant shall be released from the custody of the Oneida County Sheriff and placed on probation to the Idaho Department of Corrections.

The Court having heretofore on the 14<sup>th</sup> day of February, 2003 ordered the above named Defendant imprisoned for a **FIXED TERM OF**

TWO (2) YEARS and a subsequent INDETERMINATE TERM OF FIVE (5) YEARS on a charge of POSSESSION OF A CONTROLLED SUBSTANCE, I.C. 37-2732(c) (1), Felony, thereafter on the 14<sup>th</sup> day of March, 2003 the above matter came before the Court on Defendant's Rule 35 Motion. Said motion was granted with the Court retaining jurisdiction for a period of 180 days and now having received the evaluation from the officials at the Jurisdictional Review Committee regarding this defendant,

NOW, THEREFORE, IT IS HEREBY ORDERED that the execution of the sentence heretofore imposed on the 14<sup>th</sup> day of March, 2003 be and the same is hereby SUSPENDED and the Defendant is hereby placed on probation to the Idaho State Board of Corrections for a period of FIVE (5) YEARS.

IT IS FURTHER ORDERED that in addition to the terms and conditions to be imposed by the Board of Corrections, this Court imposes the following conditions:

1. The Defendant shall comply with the terms and conditions of the probation program outlined by his probation officer, including but not limited to the terms and conditions set forth in the Agreement of Supervision, and shall comply with all directives and orders given by the probation officer.

(1-a) **INTERSTATE COMPACT FEE:** Defendant shall pay the Interstate Compact Fee of Fifty Dollars (\$50.00) (if applicable) at the time

of application for transfer of Probation out of State. This fee shall be paid in form of money order or cashier's check, payable to the Idaho Dept. of Corrections.

2. The Defendant shall pay the costs of supervision fee, pursuant to I.C. 20-614(4), unless said fee is waived by the Dept. of Probation & Parole.
3. The Defendant shall work when work is available, and shall not terminate any employment without the prior written approval of his probation officer and shall not be terminated from his employment for any reason within the Defendant's control. If unemployed, the Defendant shall be enrolled in a full-time vocational or educational program.
4. The Defendant shall obey all laws of the City, County, State and Federal government. During the term of probation, the defendant shall not commit any offense where a term of incarceration and/or a fine or bond forfeiture of more than \$50.00 could be imposed.
5. The Defendant shall refrain from associating with any individual known or suspected of being involved in any criminal activity, any person under the supervision of the Dept. of Probation & Parole or any person designated by his/her probation officer.
6. The Defendant shall ABSOLUTELY abstain from the use of intoxicating liquor or alcoholic beverage. Further, the Defendant shall ABSOLUTELY abstain from the use of any controlled substances including any hallucinogenic or narcotic drugs, except as prescribed by a licensed physician. Defendant shall not have in his possession, home and/or

automobile any alcoholic beverages,  
controlled substances, or drug paraphernalia.

7. During the term of probation, the Defendant shall not frequent any establishment where the primary source of income is from the sale of alcohol.
8. The Defendant shall submit to random blood, breath and/or urine analysis upon the request of the Court, his probation officer or any law enforcement official.
9. The Defendant shall undertake such evaluations and/or counseling as may be recommended or required by his probation officer, and shall thereafter abide by the recommendations or directives, which result from said evaluation or counseling.
10. The Defendant shall make restitution to the Idaho State Police the sum of **\$100.00**. The name and address are as follows: Idaho State Police Drug Restitution Account # P20021688, P.O. Box 700, Boise, ID 83860-0700.
11. The fines, fees and costs previously imposed in this matter shall remain as previously set.
- 12.

Payments shall commence on the 1<sup>st</sup> day of November, 2003, at the rate of \$50.00 per month for a period of 12 months, thereafter payments shall be at the rate of \$100.00 per month.

PAYMENTS ARE TO BE MADE AT THE DISTRICT COURT OFFICE, 10 COURT STREET, ONEIDA COUNTY COURTHOUSE, MALAD, IDAHO 83252.

13. SHOULD THE DEFENDANT FAIL TO PAY RESTITUTION OR OTHER COURT-ORDERED FINANCIAL OBLIGATIONS BEFORE THE EXPIRATION OF PROBATION, THE TERM OF PROBATION WILL BE EXTENDED, WITHOUT FURTHER ORDER OF THE COURT, UNTIL SUCH TIME AS THE DEFENDANT HAS COMPLETED PAYMENT OF SAID COURT-ORDERED OBLIGATIONS.
14. The Defendant shall submit to searches of personal property, automobiles and residence without a search warrant at the request of his probation officer.
15. The Defendant shall submit to a polygraph examination, at his own expense, if so requested by his probation officer.
16. The Defendant shall not purchase, carry or have in his possession, any firearms and/or other weapons.
17. The Defendant shall file an action to get child support and visitation established within ninety (90) days. The Defendant shall pay all child support on a monthly basis that is ordered by a Magistrate Court on behalf on his minor child.
18. In addition to any jail time otherwise imposed herein, the Defendant is hereby sentenced to a term of NINETY (90) DAYS in the county jail, to be served by the Defendant at the discretion of the probation officer for any misconduct or violations of probation which do not warrant a request for revocation of probation.

IT IS FURTHER ORDERED that if the Defendant lives up to all of the terms and conditions of his probation the provisions of I.C. Section 19-2604(2) shall apply. However, in the event the



Defendant violates any of the terms and conditions of his probation, he will be brought back into Court and the sentence heretofore suspended will be reinstated.

IT IS FURTHER ORDERED that the Defendant be and he is hereby ordered **RELEASED** from the custody of the Oneida County Sheriff forthwith.

DATED this 6<sup>th</sup> day of October, 2003.

  
DON L. HARDING  
District Judge

Copies to:  
Stevin E. Brooks  
Defense Counsel/George Southworth  
Dept. of Community Services/P&P  
P&P Field Officer/Jay Heusser  
IDOC/Records Division  
Oneida County Sheriff  
David D. Purdum